23

24

25

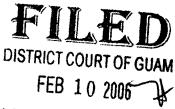
26

27

28

LUJAN AGUIGUI & PEREZ LLP

Attorneys at Law
Pacific News Building, Suite 300
238 Archbishop Flores Street
Hagåtña, Guam 96910
Telephone (671) 477-8064/5
Facsimile (671) 477-5297



MARY L.M. MORAN CLERK OF COURT

Attorneys for Defendant Paul A.I. Mendiola

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

CRIMINAL CASE NO. CR05-00011

VS.

STIPULATION FOR CONTINUANCE

PAUL A.I. MENDIOLA,

Defendant.

The parties in the above-entitled matter, the United States of America through Marivic P. David, Esq. and Defendant Paul A.I. Mendiola, through his counsel, Peter C. Perez, Esq., hereby stipulate to continue the sentencing hearing currently scheduled for February 14, 2006 at 11:00 a.m., to a date no earlier than April 13, 2006. This continuance is requested by defense counsel on the following grounds:

1. Counsel for Mr. Mendiola is in the process of submitting a brief concerning a sentencing issue, specifically, the base offense calculation of 34 recommended by the Probation Office. Defendant pled guilty to conspiracy to distribute methamphetamine hydrochloride, to distribute approximately 420 grams gross weight methamphetamine, based upon three shipments. Laboratory reports are available for only one of the shipments. The report for this one shipment indicates that the substance has a purity level below 80%. There is no evidence concerning

Page 1 of 2



the quantity, purity, weight, nature or character of the substance contained in the two other shipments. Defendant will assert that the guideline calculation proffered by Probation is incorrect. Counsel for Mr. Mendiola has contacted the Probation Office and the Office of the United States Attorney regarding this issue. It appears that the issue will be contested and that additional time will enable the parties adequate opportunity to review and address the matter.

2. Mr. Mendiola has cooperated. Mr. Mendiola believes that the government may file a motion for downward departure based upon his substantial assistance. One of the targets identified by Mr. Mendiola, upon information and belief, continues to cooperate, and it is Mr. Mendiola's intention to argue that this further cooperation should be credited to him. In sum, the extent of Mr. Mendiola's cooperation, submitted by the defense, is still being determined. Continuance of the sentencing, to a date after which this further cooperation will likely be completed, will ensure that Mr. Mendiola's cooperation to the government is fully presented to the Court at the time of sentencing.

IT IS SO STIPULATED this _____ day of February, 2006:

LUJAN AGUIGUI & PEREZ LLP

pmin

PETER C. PEREZ, ESQ.

Attorney for Defendant Paul A.I. Mendiola

LEONARDO M. RAPADAS

United States Attorney

MARIVIC P. DAVID, ESQ.

Assistant U.S. Attorney

Page 2 of 2